



Tr.CMP.(MD)No.68 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 14.03.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.68 of 2025

and

C.M.P.(MD)No.1808 of 2025

M.Muthulakshmi

.. Petitioner

Vs.

M.Alexpandian

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P. No.530 of 2024 on the file of the Family Court, Trichy and transfer the same to the file of the Family Court, Srivilliputhur to be tried along with H.M.O.P.No.193 of 2024.

For Petitioner : Mr.SC.Herold Singh

For Respondent : Mr.A.Azhageson

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.530 of 2024 on the file of the Family Court, Trichy and transfer the same to the file of the Family Court, Srivilliputhur to be tried along with H.M.O.P.No.193 of 2024.



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WEB COPY 2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 17.01.2021 at Vayalur Murugan Kovil, Trichy as per the Hindu Rites and Customs. Out of wedlock, a male child, named Arjuna Velpandian, was born on 20.04.2022.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.530 of 2024 on the file of the Family Court, Trichy seeking divorce. The petitioner/wife has initiated the proceeding in H.M.O.P.No.193 of 2024 on the file of the Family Court, Srivilliputhur seeking restitution of conjugal rights.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

5. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her child at Srivilliputhur Taluk, Virudhunagar District under the care of her parents. The distance between



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Srivilliputhur and Trichy is around 218 Kms, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing along with the two and a half year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.530 of 2024 from the file of the Family Court, Trichy to the file of the Family Court, Srivilliputhur to be tried along with H.M.O.P.No.193 of 2024.

6. The learned counsel for the respondent would submit that there is a life threat for the respondent in Srivilliputhur, and would raise strong objection to allow this petition.

7. It is well settled proposition of law that whenever the transfer petition is filed in matrimonial disputes, the convenience of the wife should be predominantly looked into, and the wife's convenience shall be given preference.

8. Considering the overall facts and circumstances of the case, and also considering the convenience of the wife, this Court is inclined to allow this petition.



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9. The learned Judge, Family Court, Trichy is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.530 of 2024, to the file of the Family Court, Srivilliputhur within a period of three weeks from the date of receipt of a copy of this order, and on receipt of such records, the learned Judge, Family Court, Srivilliputhur is directed to take the case on file and try the case along with H.M.O.P.No.193 of 2024 and dispose of both the cases as expeditiously as possible in accordance with law.

10. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

14.03.2025

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No
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P. VADAMALAI, J.

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To

1.The Family Court,
Trichy.

2.The Family Court,
Srivilliputhur.

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